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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,188	12/04/2001	Phil Glynn	2267.574US02	6936

24113 7590 03/20/2003

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT PAPER NUMBER

3727

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,188

Applicant(s)

GLYNN ET AL.

Examiner

Stephen J. Castellano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 2, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

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omit Claim 2 is objected to because of the following informalities: It is customary to use alpha numeric numerals instead of words to designate claim dependency. Appropriate correction is required. The word "one" in line 1 should be changed to "1."

omit Claim 9 is objected to because of the following informalities: The improper grammatical construction in line 2 of "with one leg at each of having one of the at least three rounded projections." Appropriate correction is required.

omit Claim 10 is objected to because of the following informalities: The improper grammar or improper punctuation occurring in lines 4 and 5 wherein the word "kinematic" could be either a noun or an adjective and the word "coupling" could be either a verb or a noun, respectively. Appropriate correction is required. "Coupling" is believed to be a noun and should have been followed by a comma.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

omit Claim 1 recites the limitation "the stacking adaptor" in line 8. There is insufficient antecedent basis for this limitation in the claim.

omit Claim 3 recites the limitation "the at least three rounded projections" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

omit Claim 10 recites the limitation "the adaptor plate" in line 5. There is insufficient antecedent basis for this limitation in the claim.

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omit⁺ Claim 10 recites the limitation "each adjacent pair" in line 7. There is insufficient antecedent basis for this limitation in the claim. It can not be determined what pair is being referred to since the term "pair" doesn't appear previously in the claim. Also, there is a number of pluralities of elements, such as container portions, slots, wafers, grooves, rounded projections, containers and parts of the kinematic coupling. It can't be determined if the word "pair" refers to one of these elements.

Claim 10 is further indefinite because the phrase "two parts of kinematic coupling" is not definitive enough to refer back to the one part and cooperating part of the kinematic coupling. It is not certain that the "two parts" is referring to two parts that are different from the one part and cooperating part of the kinematic coupling.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 6 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimori et al. (Fujimori).

For claims 1, 3, 4, 6, 8 and 9, Fujimori discloses a wafer container system comprising a container portion with an open front, a top and a bottom; a door for closing the open front; a machine interface (V-grooves 4), a receptacle portion (that which surrounds threaded boss 19) on the top and a stacking adaptor plate (14) configured to cooperate with a machine interface with

the first configuration, the plate having three rounded projections (oval guide members 15) which act as three container portion contact portions. The plate could be adapted for engagement with the container portion at the receptacle portion and conformed to engage with the top of the wafer container.

For claim 4, oval guide members 15 each act as an upwardly facing kinematic coupling portion.

For claim 6, oval guide members 15 define at least three rounded projections comprising one portion of a kinematic coupling. For claims 8 and 9, Fig. 2 and 4 show that bottom plate 14 has three legs extending horizontally and spaced equally from one another with a rounded projection on each leg.

For claim 10, rotate the container shown in Fig. 2 so that the top becomes the bottom. The machine interface is the grooves positioned between ribs of the former top, such as the groove associated with the recessed area around threaded boss 19, the stacking adaptor or adaptor plate comprising at least three rounded projections 15.

Claims 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Betsuyaku.

For claims 4, 5 and 7, Betsuyaku discloses a stacking adaptor plate 15 having an upwardly facing kinematic coupling portion (either upwardly facing guide member 9A or when the stacking adaptor plate is inverted end face 10, guide face 11 and lowermost point 10a) and a detent 17.

For claim 6, 8 and 9, Betsuyaku discloses a wafer container system as the rotated container body 1A so that the top becomes the bottom as is best represented by Fig. 7 (second embodiment) but which is the embodiment of Fig. 9 (third embodiment) comprising a container

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portion comprising a top, a bottom, a machine interface (either the flat former top which can be engaged by a machine having suction cups or a bonded interface or the interface attachment shown in Fig. 10 and 11 on the former top) positioned at the bottom, and an adaptor plate (the former bottom wall having positioning means 4, positioning ribs 5 and rounded projections 16).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori in view of Betsuyaku.

Fujimori discloses the invention except for the detent. Betsuyaku teaches detent 17. It would have been obvious to add a detent to modify the attachment such that more than a lifting force must be applied to detach the stacking adaptor plate from the container portion to prevent inadvertent detachment.


Applicant is advised that should claim 5 be found allowable, claim⁷ will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

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.If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc
March 19, 2003